IN RE: PETITION FOR ADMIN. VARIANCE W/S Fieldgreen Road, 385' E * DEPUTY ZONING COMMISSIONER of Fieldcrest Road (4411 Fieldgreen Road) 11th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 93-320-A Joseph A. Eickenberg, Jr., et ux Petitioners

> * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Joseph A. Eickenberg, Jr., and his wife, Janina Eickenberg. The Petitioners request relief from Section 1B01.2.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25.8 feet in lieu of the minimum required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1

The Petitioners having filed a Petition for Administrative Varia ance and the subject property having been posted and there being no reguests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Administrative Variance requesting relief from Section 1801.2.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25.8 feet in lieu of the minimum required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > - 2-

EXAMPLE 3 - Zoning Description

Beginning at a point on the $\frac{uest}{(north, south, east or west)}$

Three copies are required. Copies of deeds cannot be used in place of this

___ which is

description. Use this fill-in format provided whenever possible; otherwise, type or

ZONING DESCRIPTION FOR 4411 FIELD G-REEN ROHD

Councilmanic District _

Deputy Zoning Commissioner for Baltimore County

MICHIFILMILL

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 4411 FIELOGREEN ROAD

BRATIMORE MO That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) WE WOULD LIKE TO ADD TO OUR EXISTING FAMILY

BOOM (PRESENT OUTSIDE MEASUREMENTS 12'X/6') 8' BY 16' SEAULUE THE REAR PROPERTY SETBACK AT 25'8". THIS INFRINGES ON THE 30' SET BACK THAT ZONING D.R.S.S REQUIRES. WE ARE TAKING THIS INITIATIVE BECAUSE OUR PRESENT FAMILY ROOM CANNOT ACCOMODATE DUR EPANDING FAMILY, AROOM 16 +20 WILL PROVIDE MORE COMFORTABLE ACCOMOPATIONS FOR ALL OF US.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

I HEREBY CERTIFY, this 187H day of NARCH, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOSEPH A. EIKENBERG, JR & JANINA EIKENBERG the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made outh in due form of law

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

FIEIDGREEN ROAD (street on which property fronts) (number of feet of right-of way width) wide at a distance of 385 | eqsf of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street FIEIDCHAI RUAL)
(name of street) wide. *Being Lot #_ 0035 number of feet of right-of-way width) _____, Section #_____ in the subdivision of as recorded in Baltimore County Plat *If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision

print on 8-1/2" x 11" sheet.

description as shown, instead state: "As recorded in Deed Liber ____, Folio ___ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

MICROFILMED

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

April 30, 1993

Mr. & Mrs. Joseph A. Eikenberg, Jr. 4411 Fieldgreen Road Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE W/S Fieldgreen Road, 385' E of Fieldcrest Road (4411 Fieldgreen Road) 11th Election District - 5th Councilmanic District Joseph A. Eikenberg, Jr., et ux - Petitioners Case No. 93-320-A

Dear Mr. & Mrs. Eikenberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at

CERTIFICATE OF POSTING

Positioner: Joseph & Jonize Eitem borg

Location of property: W/S Madden Rt. 5851 E/ Fieldchel Rt

Location of Signer Testing Too dway 10 m froporty after lioner

MISCELLANEOUS CASH RECEIPT

VALIDATION OR SIGNATURE OF CASHIES

4411 Filgreon Ro

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-320-4

Very truly yours, Surther Kertrown TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

TMK:bjs

93-320-A

Zoning Commissioner of Baltimore County ITEM #: 328

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4411 FIEIDEREEN RUAD

1801,2 C BUILDING SET BACKS REGULARENTS FOR 16 SINGLE FAMILY DETHCHED PUELLINGS

ROOM WITH A BRICK CHIMNEY EXTENDING YY' BY 16"

THIS APPITION LEAVES US COLY 23'8" SET BACK

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or 11 11 30 practical difficulty) WE WOULD LIKE TO ADD 8' TO OUR EXISTING- FAMILY

THE SET BACK BEILL FROM REAL BUILDING TO PROTECT

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property wrich is the subject of this Petition.

TOSEPH A. EINCH BERG JR.

Segnature Segnature

JANINA EIKENBERE

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to

be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

hereto and made a part hereof, hereby petition for a Variance from Section(s)

TO THE REAR PROPERTY

Property is to be posted and advertised as prescribed by Zoning Regulations.

which is presently sound D.R-55

Jalessen

3/29/93	H930
PUBLIC HEARING FEES QTY	PRICE
010 -ZONING VARIANCE (IRL) 1 X	\$50. 00
080 -POSTING SIGNS / ADVERTISING 1 X	\$35. 00
TOTAL:	\$85. 00

Please Make Checks Payable To: Baltimore County

4411 FIENDEREEN RI) 686) 3444 WORK BANTIPORE, MIN. 21.23 6
State Zipcode _____

(Type or Print Name)

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 20, 1993

Mr. and Mrs. Joseph A. Eikenberg, Jr. 4411 Fieldgreen Road Baltimore, MD 21236

RE: Case No. 93-320-A, Item No. 328 Petitioner: Joseph A. Eikenberg, Jr., et ux Petition for Administrative Variance

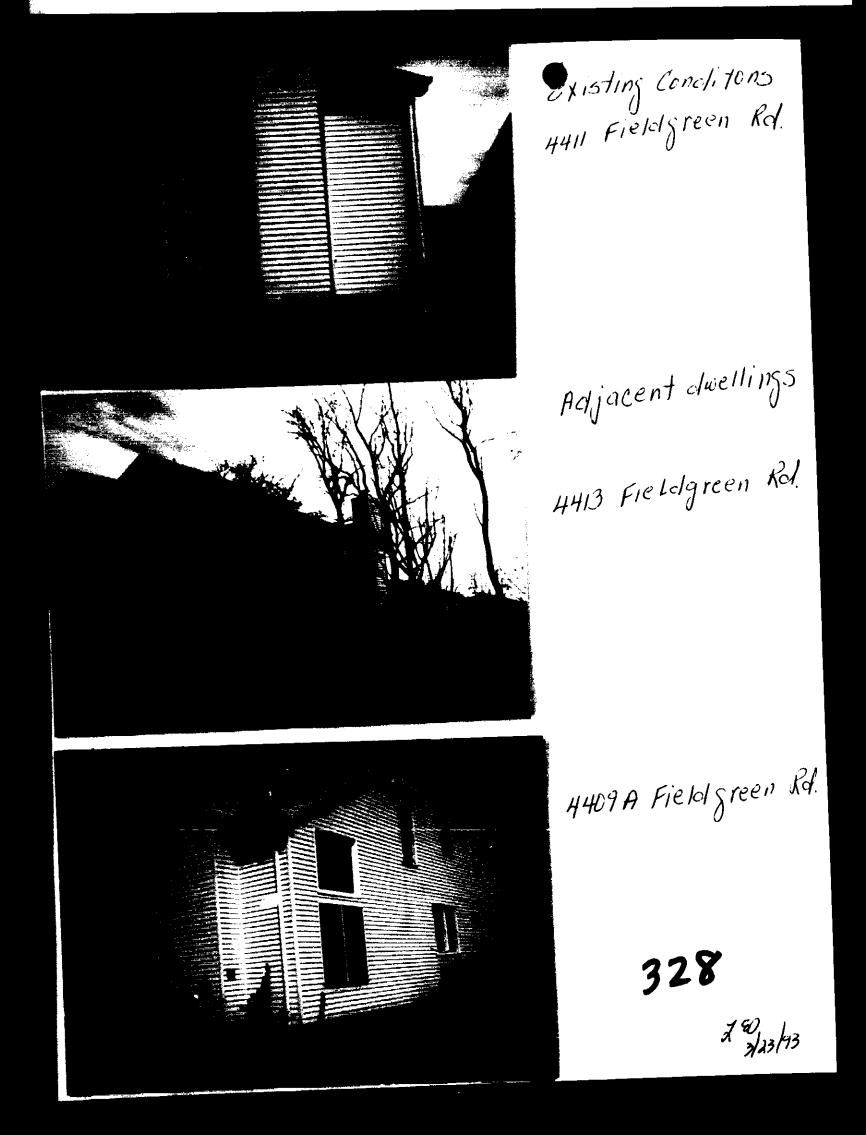
Dear Mr. and Mrs. Eikenberg:

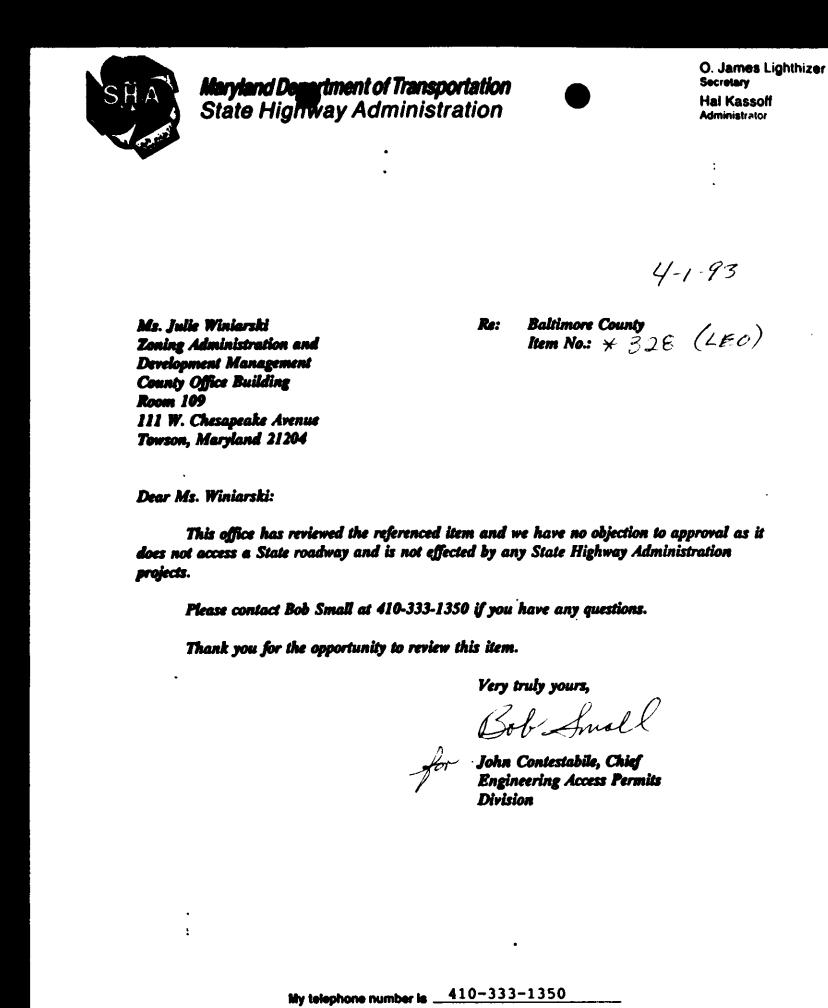
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 23, 1993, and a hearing was scheduled accordingly.

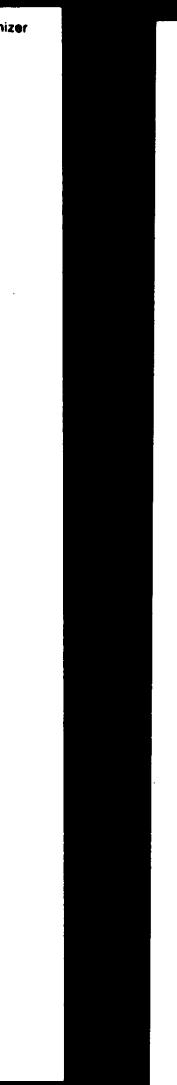
The following comments are related <u>only to the filing of future</u> zoning petitions and are simed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

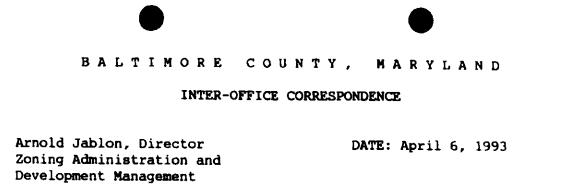




Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717







FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

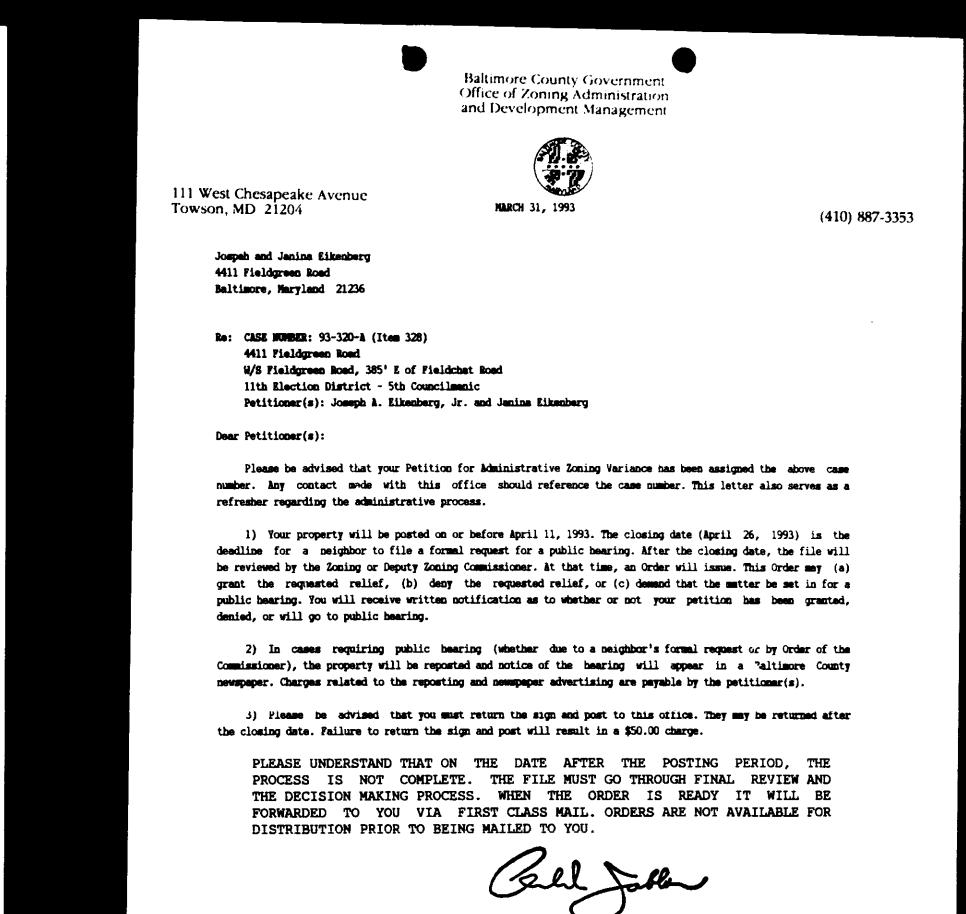
Item No. 306, 323, 326, and 328.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

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306.ZAC/ZAC1



JANUARY 1986

